

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7009

BILL NUMBER: SB 216

NOTE PREPARED: May 5, 2011

BILL AMENDED: Apr 4, 2011

SUBJECT: Access to Child Pornography in Criminal Discovery.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR: Rep. Foley

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill allows a court to permit a defendant to inspect, view, and examine material that constitutes child pornography at a state or local court or law enforcement facility if the defendant demonstrates that inspecting, viewing, and examining the material is necessary to the defendant's defense. It requires a court to impose certain restrictions on the inspection, viewing, and examination of the material.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: Under the bill, the court may allow the inspection, viewing, and examination of child pornography in certain circumstances, but must issue a protective order for the material. If a protective order is violated, the court may punish the indirect contempt of court with a fine, imprisonment, or both a fine and imprisonment. Fine revenue is deposited in the state General Fund.

Explanation of Local Expenditures: If a protective order is violated, the court may punish the indirect contempt of court with a fine, imprisonment, or both a fine and imprisonment. The average daily cost for an inmate of a county jail is \$44 per day.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Counties.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.